

## HB 3319 - DIGEST

Recognizes the will of the people strongly expressed by passage of Initiative Measure No. 901 to prohibit smoking in many places. A clear message was sent that people do not want to be exposed unwillingly to second-hand smoke.

Finds that other states that have passed smoking bans have provided exceptions for key establishments and settings.

Finds that since Initiative Measure No. 901 exempted private offices and the people that work in them from the initiative, other exemptions should be created.

Provides that no person may smoke in a public place or in any place of employment except in a cigar bar, retail tobacco shop, private club, theatrical production site, or designated smoking area in a long-term care facility, licensed by the department under this act.

Directs the department to issue a transferable license for a cigar bar, retail tobacco shop, private club, theatrical production site, or designated smoking area in a long-term care facility, if the applicant pays any applicable fee established by the department and shows to the satisfaction of the department that the establishment is, and has been since January 1, 2004, a cigar bar, retail tobacco shop, private club, theatrical production site, or designated smoking area in a long-term care facility, as defined in RCW 70.160.020.

Provides that smoking by residents living in long-term care facilities is permitted in a designated smoking area that meets the following standards: (1) The designated smoking area cannot be located in a common area, including but not limited to entrances, lobbies, hallways, dining rooms, activity rooms, or meeting rooms, where employees, visitors, or nonsmoking residents are required to enter or pass through for work, visits, or services.

(2) An indoor designated smoking area must be enclosed and separately ventilated as defined in RCW 70.160.020. The indoor area must meet the stricter of any applicable indoor air exposure limits set by the department of labor and industries or the department of health for vapor phase nicotine and carbon monoxide.

(3) An outdoor designated smoking area must be covered and protected from inclement weather, identified with signs, and reachable by a nonhazardous pathway. The outdoor area may be located no closer than fifteen feet from entrances, exits, operable windows, and ventilation intakes that serve an enclosed nonsmoking area. The outdoor area must be closed on at least one side to minimize smoke infiltration into the facility and must have an outdoor filter system to help absorb smoke when the outdoor smoking area is in use.

(4) Prospective employees and residents must be informed as to whether the facility has a designated smoking area. No

employee may be required to enter a designated smoking area while in use. Cleaning and maintenance of the designated smoking area may not occur when smokers are present. Persons under the age of eighteen are prohibited from entering or performing any duties in a designated smoking area.

(5) The department of labor and industries and the department of health may adopt rules as needed to implement this act.